

**GOVERNMENT OF TELANGANA
COMMERCIAL TAX DEPARTMENT**

Attachment to Show Cause Notice in Form DRC-01

DIN	GST/36AERPK6958C1Z2/19
Office details Designation of the assessing officer Unit Division	ASSISTANT COMMISSIONER (ST) RAMGOPALPET-RANIGUNJ BEGUMPET
Details of the Tax payer Name Legal Name GSTIN	Rajesh Kumar Jayanthilal Kadakia RAJESH KUMAR JAYANTILAL KADAKIA 36AERPK6958C1Z2
Financial Year	2018-19

You have filed annual return in GSTR-09 for the financial year 2018-19.

On examination of the information furnished in this return under various heads and also the information furnished in TRAN-1, GSTR-01, GSTR-2A, GSTR-3B, EWB and other records available in this office it is found that you have not declared your correct tax liability while filing the annual returns of GSTR-09. The summary of under declared tax is as follows:

SGST Rs.**63514.31**
CGST Rs.**63514.31**
Total Rs.**127028.62**

The details of the above tax liability are as follows:

**1. Net tax liability under declared on account of non-reconciliation of information
declared in GSTR-09:**

A. The tax on outward supplies under declared on reconciliation of data in GSTR-09:

It is observed that the tax payer has not correctly declared tax on his outward supplies on reconciliation of turnovers in GSTR-09. Resulting in a tax payable to a tune of **Rs. 48066.02**

S.No	Issue	Table No. in GSTR-09	SGST	CGST	Total
1	2	3	4	5	6
1	Tax on taxable supplies as declared in GSTR-09	4N	2635487.01	2635487.01	5270974.02
2	Add net increase due to amendments (Increase in amendments (-) decrease in amendments)	10 (-) 11	0.00	0.00	0.00
3	Add tax on deemed supplies	16B	0.00	0.00	0.00
4	Add tax on unreturned goods	16C	0.00	0.00	0.00
5	Add pending demands	15G	0.00	0.00	0.00
6	Total output tax liability as per the above in GSTR-09		2635487.01	2635487.01	5270974.02
7	Less Total tax paid in cash	9	2573479.00	2573479.00	5146958.00
8	Less Tax paid by adjustment of ITC	9	37975.00	37975.00	75950.00
9	Less differential tax paid on amendments	14	0.00	0.00	0.00
10	Add differential tax paid on amendments related to previous year in current year.	(14) of previous FY GSTR-09	0.00	0.00	0.00
11	Net tax payable		24033.01	24033.01	48066.02

B. The excess input tax credit(ITC) claimed on account of non-reconciliation of information declared in GSTR-09:

Under Sec 16(2)(c) every registered person shall be entitled to take credit of ITC on supply of goods or services to him subject to the condition that the tax charged in respect of such supply has been actually paid to the Government either in cash or through utilization of ITC admissible in respect of such supply.

It is observed that the tax payer has not correctly availed input tax on his inward supplies on reconciliation of turnovers in GSTR-09. Resulting in tax payable to a tune of Rs. 1716.16

S.No	Issue	Table No. in GSTR-09	SGST	CGST	Total
1	2	3	4	5	6
1	Excess claim of ITC declared in GSTR-09	8D	858.08	858.08	1716.16

C. Net tax payable on account of reconciliation in GSTR-09 = Total of A + Total of B = **49782.18**

2. Excess claim of ITC:

• **ITC to be reversed on non-business transactions & exempt supplies**

Under Sec 17(1) & (2) where the goods or services or both are used by the registered person partly for the purpose of business, partly for other purposes or partly used for effecting exempt supply and partly for taxable supply then the amount of credit shall be restricted to so much of the input tax as is attributable to the taxable supplies in the course of business. Therefore the taxable person needs to make an apportionment of available input tax credit under Rule 42 & 43 to arrive at the eligible ITC.

However as seen from the GSTR-09 return filed it is evident that you have not made such apportionment resulting in excess claim of ITC than you are eligible. The details of the working are as under:

S.No	Issue	Table no. in GSTR-09	Value of outward supply	SGST	CGST	Total
1	2	3	4	5	6	7
1	Total supplies	5N+10-11	32901064.00	-	-	-
2	Exempt supplies	5C + 5D + 5E + 5F or {Sum of 3.1 (c) + 3.1(e) of GSTR 3B of all months in FY } which ever is higher.	3617875.000	-	-	-
3	Proportion of common ITC which has to be reversed to the extent of exempt supply (2/1 above)		0.109962	-	-	-
4	Common input tax credit	6O+13	-	37976.36	37976.36	75952.72
5	ITC to be reversed	{S.No.4 (x) S. No.2}/S.No.1	-	4175.96	4175.96	8351.92
6	ITC reversed	{7C+7D+7F+7G} or {Sum of 4B(1) of GSTR 3B of all months in FY } which ever is higher.	-	0.000	0.000	0.000
7	Difference/Excess ITC claimed	S.No.5 (-) S. No.6	-	4175.96	4175.96	8351.92

Therefore the excess ITC claimed is proposed to be recovered.

• **Under declaration of Ineligible ITC:**

Under Sec 17(5) of the SGST Act, 2017 input tax credit shall not be available in respect of the list of commodities & services mentioned therein subject to certain conditions.

It is seen from GSTR-09 and other information that they have claimed ITC on these commodities and therefore the ITC claimed on these commodities or services is proposed to be recovered.

S.No	Commodity/Service	HSN code	Table no. in GSTR-09	SGST	CGST	Total
1	2	3	4	5	6	7
1	Works contractors	9954;		34447.26	34447.26	68894.52
A	Total ineligible ITC u/s 17(5)	-		34447.26	34447.26	68894.52
B	Ineligible ITC declared	-	7E or {Sum of 4D(1) of GSTR 3B of all months in FY } which ever is higher	0.00	0.00	0.00
C	Difference/excess ITC claimed	-		34447.26	34447.26	68894.52

Summary :

The total tax payable on account of these deficiencies after giving credit to the payments made in cash and ITC adjusted is arrived as follows:

S.No	Issue	SGST	CGST	Total
1	2	3	4	5
1	Total tax due in (1) + (2) above	63514.31	63514.31	127028.62

(The detailed workings of the above in tabular form are attached as Annexure-B)

Therefore it is proposed to assess the registered tax payer for the net tax payable indicated above under Section 73 of the SGST/CGST Act. The registered tax payer may therefore pay the tax along with interest in DRC-03. However, If the registered tax payer is not agreeing with the proposals in this notice they may file their objections in DRC-06 within (15) days from the date of receipt of this notice. A draft standard format is also attached for filing your response along with your detailed reply.

Details of Ineligible ITC 17 (5)				Date: 30-05-2022		Rs in Rupees		
GSTIN : 36AERPK6958C1Z2 Name : Rajesh Kumar Jayanthilal Kadakia FY : 2018-19								
S.No.	Seller Name	Seller GSTIN	Commodity / Service	HSN code	Month	R1 to this dealer		
						SGST	CGST	Total
1	2	3	4	5	6	7a	7b	7c
1	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Apr, 2018	2100.78	2100.78	4201.56
2	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	May, 2018	2100.78	2100.78	4201.56
3	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Jun, 2018	2946.87	2946.87	5893.74
4	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Jul, 2018	5333.97	5333.97	10667.94
5	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Aug, 2018	2206.44	2206.44	4412.88
6	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Sep, 2018	2206.44	2206.44	4412.88
7	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Oct, 2018	2206.44	2206.44	4412.88
8	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Nov, 2018	2206.44	2206.44	4412.88
9	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Dec, 2018	523.26	523.26	1046.52
10	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Jan, 2019	3861.36	3861.36	7722.72
11	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Feb, 2019	2206.44	2206.44	4412.88
12	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Mar, 2019	6548.04	6548.04	13096.08
	Total					34447.26	34447.26	68894.52

Note:

SGST Ineligible ITC = Total SGST ineligible ITC u/s 17(5) from GSTR-01 to this dealer - 7E SGST of GSTR09

= 34447.26 - 0.00

= 34447.26

CGST Ineligible ITC = Total CGST ineligible ITC u/s 17(5) from R1 to this dealer - 7E CGST of GSTR09

= 34447.26 - 0.00

= 34447.26

Office of Assistant Commissioner
Jurisdiction: RAMGOPALPET - RANIGUNJ: Begumpet: Telangana
State/UT: Telangana

Reference No : ZD360522016196L

Date: 30/05/2022

To

GSTIN/ID: 36AERPK6958C1Z2

Name: RAJESH KUMAR JAYANTILAL KADAKIA

Address : 5-2-223, GOKUL DISTILERY ROAD, SECUNDERABAD, Rangareddy, Telangana, 500003

Tax Period : APR 2018 - MAR 2019

F.Y. 2018-2019

ARN- NA

Date- NA

(Voluntary payment intimation details, if applicable)

Show Cause Notice under section 73

It has come to my notice that tax due has not been paid or short paid or refund has been released erroneously or input tax credit has been wrongly availed or utilized by you or the amount paid by you through the above referred application for intimation of voluntary payment for the reasons and other details mentioned in annexure for the aforesaid tax period

Therefore, you are directed to furnish a reply along with supporting documents as evidence in support of your claim by the date mentioned in table below.

You may appear before the undersigned for personnel hearing either in person or through authorized representative for representing your case on the date, time and venue, if mentioned in table below.

Please note that besides tax, you are also liable to pay interest and penalty in accordance with the provisions of the Act.

If you make payment of tax stated above along with up to date interest within 30 days of the issue of this notice with applicable penalty then proceeding may be deemed to have been concluded.

Details of personal hearing etc.

Sr. No.	Description	Particulars
1	Section under which show cause notice/statement is issued	73
2	Date by which reply has to be submitted	15/06/2022
3	Date of personal hearing	08/06/2022
4	Time of personal hearing	11:12
5	Venue where personal hearing will be held	Assistant Commissioner(ST) Ramgopalpet-R anigunj Circle

Demand Details-

(Amount in Rs.)

Sr. No.	Tax Rate(%)	Turnover	Tax Period		Act	POS (Place of Supply)	Tax	Interest	Penalty	Fee	Others	Total
			From	To								
1	2	3	4	5	6	7	8	9	10	11	12	13
1	0	0.00	APR 2018	MAR 2019	SGST	NA	63,514.31	0.00	0.00	0.00	0.00	63,514.31
2	0	0.00	APR 2018	MAR 2019	CGST	NA	63,514.31	0.00	0.00	0.00	0.00	63,514.31

Total							1,27,028.62	0.00	0.00	0.00	0.00	1,27,028.62
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Signature
Name: Vasantha Chivukula Chivukula
Designation: Assistant Commissioner
Jurisdiction: RAMGOPALPET -
RANIGUNJ: Begumpet: Telangana

FORM GST DRC - 01
[See rule 100(2) & 142(1)(a)]

Reference No. - ZD360522016196L

Date - 30/05/2022

To

GSTIN/ID: 36AERPK6958C1Z2

Name: RAJESH KUMAR JAYANTILAL KADAKIA

Address : 5-2-223, GOKUL DISTILERY ROAD, SECUNDERABAD, Rangareddy, Telangana, 500003

Tax Period : APR 2018 - MAR 2019

F.Y.- 2018-2019

SCN Reference No. ZD360522016196L

Date 30/05/2022

Section / sub-section under which SCN is being issued - 73

Summary of Show Cause Notice

(a) **Brief Fact of the Case** : Variation between GSTR-09 Vs R1/3B/2A/Tran-1/E-WAY Bill

(b) **Grounds** : GST Act

(c) Tax and other dues

(Amount in Rs.)

Sr. No.	Tax Rate(%)	Turnover	Tax Period		Act	POS (Place of Supply)	Tax	Interest	Penalty	Fee	Others	Total
			From	To								
1	2	3	4	5	6	7	8	9	10	11	12	13
1	0	0.00	APR	MAR	SGST	NA	63,514.31	0.00	0.00	0.00	0.00	63,514.31

			2018	2019								
2	0	0.00	APR 2018	MAR 2019	CGST	NA	63,514.31	0.00	0.00	0.00	0.00	63,514.31
Total							1,27,028.62	0.00	0.00	0.00	0.00	1,27,028.62

Signature

Name: Vasantha Chivukula Chivukula

Designation: Assistant Commissioner

Jurisdiction: RAMGOPALPET -
RANIGUNJ: Begumpet: Telangana